

## REMARKS

Applicant hereby respectfully requests that the Examiner reconsider and withdraw the restriction requirement between the inventions of Groups I and III.

The inventions of Groups I and III should be examined together. On page 2 of the Office Action, the Examiner alleges that

[t]he inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: each invention group has a separate and different technical feature because each invention group is drawn to separate and distinct products.

According to 37 C.F.R. § 1.475, the expression "special technical features" means those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

As an initial matter, Applicant disagrees with the Examiner's characterization of the inventions, insofar as only a fraction of the claims recite "Sapogenin B." The Abstract describes peptides which are *derived* from Sapogenin B, but the claims need not be so limited. In any case, the prior art does not disclose the isolated derived peptides as disclosed and claimed in the pending application. Therefore, the isolated derived peptides (e.g., Group I) and antibodies reactive to these peptides (e.g., Group III) do *not* have "separate and different" special technical features as alleged by the Examiner because the contribution of *both* inventions over the prior art is intimately related to the previously undescribed isolated peptide sequences.

For the foregoing reasons, the Examiner is respectfully requested to reconsider and withdraw the requirement for restriction between Groups I and III. An action on the merits of these elected claims and a Notice of Allowance thereof are respectfully requested.

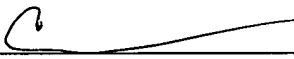
If the Examiner has any questions concerning this Response, the Examiner is respectfully requested to telephone Applicant's agent at the following telephone number (415) 393-2778.

**NOTICE OF FIRM NAME CHANGE**

Agent for Applicant wishes to inform the Office that the name of its firm has been changed to Bingham McCutchen LLP.

DATE: December 30, 2002

Respectfully submitted,

By:   
Chris J. Ullsperger, Ph.D.  
Registration No.: 48,006

Bingham McCutchen LLP  
Three Embarcadero Center, Suite 1800  
San Francisco, California 94111  
Telephone: (415) 393-2000  
Telefax: (415) 393-2286